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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CASE NO. CR 15 0489 RS
)
Plaintiff,) STIPULATION AND [PROPOSED] ORDER TO
) CONTINUE CHANGE OF PLEA HEARING AND
) EXCLUDE TIME FROM OTHERWISE
) APPLICABLE SPEEDY TRIAL ACT
) CALCULATION
)
v.)
DOUGLAS LEE SMITH,)
Defendant.)
)
)
)
)

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

22 1. The parties appeared on May 23, 2017 at 2:30 p.m. for a status hearing which had
23 originally been set for a change of plea hearing. Mr. Smith was represented by Ethan Balogh. Assistant
24 United States Attorney Sarah Hawkins appeared for the government.

25 2. At the appearance, the parties jointly requested that the change of plea hearing be
26 continued to June 20, 2017, a date agreed upon by the Court.

27 3. The parties further respectfully requested that the period from May 23, 2017, through and
28 including June 20, 2017, should be excluded from the otherwise applicable Speedy Trial Act

computation because the continuance is necessary due ongoing investigation in the case.

4. The parties concur that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. §3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time for the purposes of effective preparation of counsel outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

IT IS SO STIPULATED.

DATED: May 25, 2017

BRIAN J. STRETCH
United States Attorney

/s/
SARAH HAWKINS
Assistant United States Attorney

DATED: May 25, 2017

/s/
ETHAN A. BALOGH
Counsel for Douglas Smith

[PROPOSED] ORDER

Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice served by granting a continuance from May 23, 2017 to June 20, 2017 outweigh the best interest of the public and the defendant in a speedy trial, and that failure to grant such a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, THE COURT ORDERS THAT:

1. The parties shall appear before the Court on June 20, 2017 at 2:30 p.m. for a change of plea.

2. The period from May 23, 2017 through and including June 20, 2017 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 5/26/17


HON. RICHARD SEEBOORG
United States District Judge